

REMARKS

Claims 1-7, 9, 11, and 50 were previously pending in this application. By this amendment, Applicant is canceling claims 4-7 without prejudice or disclaimer. Claims 1, 3, 9, and 50 have been amended. As a result claims 1-3, 9, 11, and 50 are pending for examination with claim 1 being an independent claim. No new matter has been added.

Rejection of Claims Under 35 U.S.C. §112, first paragraph

Claims 1-7, 9, 11, and 50 stand rejected under 35 U.S.C. §112, first paragraph. The Examiner maintains that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In the final office action the examiner has indicated that “the specification, while being enabling for, an isolated nucleic acid molecule of SEQ ID NO:1 or SEQ ID NO:3, or a nucleic acid molecule that differs from said nucleic acid molecules by the degeneracy of the genetic code or complements of said nucleic acid molecules, does not reasonably provide enablement for...”

Applicants have amended claim 1 to specifically recite an isolated nucleic acid molecule of SEQ ID NO:1 or SEQ ID NO:3, or a nucleic acid molecule that differs from said nucleic acid molecules by the degeneracy of the genetic code or complements of these nucleic acid molecules. It is believed that the amendment should be sufficient to overcome the rejection of claims 1-3 and 9-11. Claims 4-7 which were directed to unique fragments (the subject of rejections 5B-D) were canceled.

Claim 50 was amended to remove the limitation directed to an effective amount of the agent. The amended claim simply covers the product of claim 1 or an expression product thereof, and a pharmaceutically acceptable carrier. The term pharmaceutically acceptable carrier is defined in the specification on page 31 lines 18-25. It is believed that amendments to claims 1 and 50 are sufficient to overcome the outstanding rejections.

Rejection of Claims Under 35 U.S.C. §112, first paragraph

Claims 1-7, 9, 11, and 50 have been rejected as containing subject matter which was not described in the specification in such a way as to reasonably convey that the inventor had

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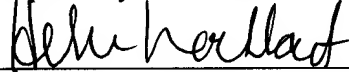
possession of the invention at the time of filing. The reasons for the rejection are presented in the office action mailed 4/08/02 paper number 18. In general it is stated that the application lacks written description for fragments of SEQ ID NO:1 or 3 or complements thereof, other than those of SEQ ID NO 1 or 3. In view of the claim amendments described above, it is believed that the claims now overcome the rejection.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,



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Attorney's Docket No.: **B0801.70159US00**
Date: March 16, 2004
x03/16/04

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